

A-6233 (Variance Request)
Mr. and Mrs. Steven Sprenger,
5501 Park Street

Construct three (3) treads that would encroach two feet, seven inches (2'-7") forward of the twenty-five (25) foot front (Park Street) building restriction line.

CHEVY CHASE VILLAGE
BOARD OF MANAGERS
NOVEMBER 13, 2012 MEETING

STAFF REPORT

TO: BOARD OF MANAGERS

FROM: ELLEN SANDS, PERMITTING AND CODE ENFORCEMENT COORDINATOR

DATE: 11/7/2012

SUBJECT: HEARING OF APPEAL CASE NO. A-6233 VARIANCE REQUEST
MR. & MRS. STEVEN SPRENGER, 5501 PARK STREET
CONSTRUCT THREE TREADS THAT WOULD ENCROACH TWO FEET, SEVEN INCHES (2'-7")
FORWARD OF THE TWENTY-FIVE (25) FOOT FRONT (PARK STREET) BUILDING RESTRICTION
LINE.

NOTICE REQUIREMENTS: Abutting Owners; Public Notice

APPLICABLE CHEVY CHASE BUILDING REGULATION:

The Chevy Chase Village Code § 8-17 (c) states:

No structure or play equipment of any description shall be erected within twenty-five (25) feet of the front line of any lot.

FINDINGS REQUIRED:

1. The proposed variance is required because special conditions exist whereby the enforcement of the requirements of the Village Building Code would result in an unwarranted hardship and injustice to the owner.
2. The proposed variance will most nearly accomplish the intent and purpose of the requirements of the Village Building Code; and
3. Except for variances from the requirements of Sections 8-22, 8-26 or Article IV of the Village Regulations, the structure authorized by the proposed variance would not violate any covenant applicable to the property.

APPLICABLE COVENANTS:

"That no structure of any description shall be erected within twenty-five (25) feet of the front line of said premises and that no stable, carriage house, shed or out-building shall be erected except on the rear of said premises."

FACTUAL AND BACKGROUND INFORMATION:

The Applicants obtained a building permit (#6161) in June of 2012 to construct a rear addition and a new front foyer, stoop and portico.

The stoop in that application was depicted and constructed to almost align with the twenty-five (25) foot front setback line. The steps on that approved plan were depicted as descending to the side of the stoop, towards the driveway and would not encroach forward of the front building restriction line.

As part of a subsequent landscaping project for the front yard, the Applicants then submitted an application for the proposed steps constructed to the front (Park Street and north) of the recently constructed stoop, descending towards the street. These proposed steps would encroach two feet, seven inches forward of the front (Park Street) twenty-five (25) foot building restriction line and front covenant setback line. Accordingly a variance is requested.



Figure 1: View of the front stoop and portico prior to the foyer, stoop and portico addition.



Figure 2: View of the newly constructed foyer, stoop and portico.

Other features of the proposed landscape project include replacing the existing front walkway in approximately the same location as existing; constructing a new walkway which will curve from the proposed front steps to the driveway; constructing a new pair of low walls along each side of a new landing at grade at the base of the proposed steps; and widening the driveway (Case A-6234 a & b) (see plans provided by the Applicants).

Previous requests for variances from Section 8-17(c) have typically been for expansion of existing encroachments or modifications to existing steps in order to meet current Code or safety concerns which then create an encroachment. In this instance, the proposed new additional steps create a front building restriction line and covenant front setback encroachment where none existed previously.

In previous cases involving covenant setbacks, the Board has found that the covenants were not enforceable either because:

- a) the uncovered steps and stoops were constructed at the time that the covenants applicable to the property were placed, or shortly thereafter, so it was presumed that the covenant authors did not intend those protrusions to be classified as "structures" for the purposes of the covenants; or
- b) the covenant authors did not intend certain uncovered steps and stoops to be deemed "structures" for the purposes of the front covenant setback, where such uncovered steps and stoops are installed as a matter of necessity to address the change in elevation from the ground to the entrance of a house and which steps and stoops are the minimum necessary to provide reasonable access.

There are no tree protection issues regarding the construction of the front steps. Tree protection already in place would remain in place throughout the construction of the proposed front steps and front walkway.

To date there have been no letters received from abutting or confronting neighbors regarding the project.

Applicable Fees: Variance Application Fee: \$300.00

RELEVANT PRECEDENTS:

This case differs from precedents cited in other recent stoop and step variance requests in that the proposed additional steps would create the encroachment forward of the applicable front building restriction line and covenant front setback line. Thus there are no strictly comparable precedents for steps. Recent precedents for stoops and steps that encroach forward of the twenty-five (25) foot front building restriction line include:

In May 2005 Mr. & Mrs. Justin Bausch of 12 East Lenox Street were granted a variance to **extend** the uncovered steps leading to the front porch. In the Bausch case the covenants were worded to prohibit "any stable, carriage houses or shed" forward of the twenty-five (25) foot front building restriction line, rather than the more standard language prohibiting "structure[s] of any description" forward of that setback. In December of 2010, Mr. & Mrs. Robert Maruszewski of 127 Grafton Street were granted a variance to **enlarge** a non-conforming stoop which would encroach five feet, six inches (5'-6") forward of the twenty-five (25) foot front building restriction and covenant setback line, an additional two feet, eleven inches (2'-11") farther than the existing stoop. In December 2010, Mr. Gregory L. Dixon and Ms. Susan F. Dixon, Co-Trustees of the Gregory L. Dixon Revocable Trust and the Susan F. Dixon Revocable Trust, of 5500 Montgomery Street, were granted a variance to **expand** their front stoop that would extend three (3) feet forward of the twenty-five (25) foot front building restriction and covenant setback line. In January of 2011, Case A-5854, Joanne Kyros and Thomas Schaufelberger of 135 Grafton Street were granted a variance to **enlarge** an existing non-conforming stoop with steps and construct three (3) treads that would encroach five (5) feet forward of the twenty-five (25) foot front building restriction and covenant setback line, an additional two (2) inches farther than the existing treads. In February of 2012, Mr. & Mrs. Andrew Marino, of 11 Primrose Street, were granted a variance to **relocate and construct** non-conforming front steps, leading to a porch, both of which were forward of the twenty-five (25) foot front building restriction and covenant setback line. The proposed steps would encroach twelve feet, eight inches (12'-8") in front of this twenty-five (25) foot front setback line, an additional ten (10) inches beyond the existing steps. In April of 2012 Mr. & Mrs. D. Blake Bath were granted a variance to **reconstruct** the front steps and add an additional step leading from the front walkway to the front porch forward of the twenty-five (25) foot front building restriction and covenant setback line. In May of 2012 Dr. & Mrs. Charles Bahn of 118 Hesketh Street were granted a variance to **reconstruct** the front steps from the front walkway to the front porch, adding one tread, a portion of which would be located forward of the twenty-five (25) foot front building restriction and covenant setback

line. In June of 2012, Mr. & Mrs. Jeffrey Shuren were granted a variance to **reconstruct** steps that would extend an additional one foot, one inch (1'-1") beyond the existing steps for a maximum encroachment of six feet, eight inches (6'- 8") forward of the twenty-five (25) foot front building restriction line.

Draft Motion

I move to direct staff to draft a decision **APPROVING/DENYING** the variance request in case A-6233, based on the findings that ...

**CHEVY CHASE VILLAGE
NOTICE OF PUBLIC HEARING**

Please take notice that the Chevy Chase Village Board of Managers will hold a public hearing on the 13th day of November, 2012 at 7:30 p.m. The hearing will be held at the Chevy Chase Village Hall at 5906 Connecticut Avenue in Chevy Chase, Maryland.

**APPEAL NUMBER A-6233
MR. & MRS. STEVEN SPRENGER
5501 PARK STREET
CHEVY CHASE, MARYLAND 20815**

The applicants seek a variance from the Board of Managers pursuant to Section 8-11 of the Chevy Chase Village Building Code to construct three treads that would encroach two feet, seven inches (2'-7") forward of the twenty-five (25) foot front (Park Street) building restriction line.

The Chevy Chase Village Code § 8-17 (c) states:

No structure or play equipment of any description shall be erected within twenty-five (25) feet of the front line of any lot.

Additional information regarding this appeal may be obtained at the Chevy Chase Village Office between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday, may be viewed on the Village website at www.chevychasevillagemd.gov or you may contact the office for this information to be mailed to you.


This notice was mailed to abutting and confronting property owners on the 1st day of November, 2012.

**Chevy Chase Village Office
5906 Connecticut Avenue
Chevy Chase, Maryland 20815
301-654-7300**

MAILING LIST FOR APPEAL A-6233

MR. AND MRS. STEVEN M. SPRENGER
5501 PARK STREET
CHEVY CHASE, MARYLAND 20815

| Adjoining and confronting property owners | |
|--|--|
| Mr. and Mrs. Craig Van Note Or Current Resident 5500 Park Street Chevy Chase, MD 20815 | Mr. & Mrs. Michael Truman Or Current Resident 5502 Park Street Chevy Chase, MD 20815 |
| Ms. Melissa T. Skofield & Mr. Frank W. Curtis Or Current Resident 5517 Park Street Chevy Chase, MD 20815 | Mr. and Mrs. Gregory Dixon Or Current Resident 5500 Montgomery Street Chevy Chase, MD 20815 |
| Ms. Michelle Chua & Mr. Yannis Halikias Or Current Resident 5502 Montgomery Street Chevy Chase, MD 20815 | Mr. Carl S. Giuffrida Or Current Resident 5504 Montgomery Street Chevy Chase, MD 20815 |
| Ms. Sarah J. Iliffe & Mr. Louie Eroglu Or Current Resident 5607 Belmont Avenue Chevy Chase, MD 20815 | Ms. Ellen D. Downing Or Current Resident 5515 Park Street Chevy Chase, MD 20815 |
| Saks Fifth Avenue Or Current Occupant 5555 Wisconsin Avenue Chevy Chase, MD 20815 | |


I hereby certify that a public notice was mailed to the aforementioned property owners on the 1st day of November 2012.

Ellen Sands
Permitting and Code Enforcement Coordinator
Chevy Chase Village
5906 Connecticut Avenue
Chevy Chase, MD 20815

CHEVY CHASE VILLAGE

ESTABLISHED 1890

November 1, 2012

Mr. & Mrs. Steven Sprenger
5501 Park Street
Chevy Chase, MD 20815

Dear Mr. & Mrs. Sprenger:

Please note that your requests to construct the front steps and widen the driveway on your property, and widen the driveway in the public right-of-way abutting your property are scheduled before the Board of Managers on Tuesday, November 13, 2012 at 7:30 p.m.

- Either you or another representative must be in attendance to present your cases. At that time, additional documents may be introduced and testimony can be provided in support of the requests.

For your convenience, enclosed please find copies of the Public Hearing Notices and mailing lists. Please contact the Village office in advance if you are unable to attend.

Sincerely,



Ellen Sands
Permitting and Code Enforcement
Chevy Chase Village

Enclosures

CHEVY CHASE VILLAGE

5906 Connecticut Avenue
Chevy Chase, Maryland 20815

Phone (301) 654-7300

Fax (301) 907-9721

ccv@montgomerycountymd.gov

www.chevychasevillagemd.gov

BOARD OF MANAGERS

PATRICIA S. BAPTISTE
Chair

PETER T. KILBORN
Vice Chair

RICHARD M. RUDA
Secretary

THOMAS H. JACKSON
Assistant Secretary

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Treasurer

MICHAEL L. DINGER
Assistant Treasurer

DAVID L. WINSTEAD
Board Member

VILLAGE MANAGER

SHANA R. DAVIS-COOK

Chevy Chase Village

Application for a Variance

A variance is permission granted to a landowner to depart from the specific requirements of the Village zoning ordinance and allows a landowner to use land differently than specified in the ordinance. The variance is a written authorization from the Board of Managers permitting construction in a manner not otherwise allowed by the Village Code.

| | |
|---|----------------------------|
| Subject Property: 5501 PARK ST. | |
| Describe the Proposed Project: CONSTRUCT NEW FRONT STEPS - SEE ATTACHED | |
| Applicant Name(s) (List all property owners): Cherie & Steve Sprenger | |
| Daytime telephone: | Cell: 301-928-4695 |
| E-mail: Cheriemsprenger@gmail.com | |
| Address (if different from property address): | |
| For Village staff use: | |
| Date this form received: 10/22/12 | Variance No: A-6233 |

Filing Requirements:

Application will not be accepted or reviewed until the application is complete

- ☐ Completed Chevy Chase Village Application for a Variance (this form)
- ☐ Completed Chevy Chase Village Building Permit Application
- ☐ A boundary survey or plat diagram with a margin of error of one tenth of a foot or less showing all existing structures, projections and impervious surfaces.
- ☐ Surveys, plats, engineering reports, construction plans/specifications or other accurate drawings showing boundaries, dimensions, and area of the property, as well as the location and dimensions of all structures/fences/walls/etc., existing and proposed to be erected, and the distances of such structures/fences/walls/etc., from the nearest property lines. These drawings shall incorporate and display reference dimensions from the boundary survey or plat diagram required above.
- ☐ Copy of Covenants applicable to the property except for variances from Sections 8-22, 8-26 or Article IV of Chapter 8 of the Chevy Chase Village Code.
- ☐ Variance fee (See fee schedule listed in Chapter 6 of the Village Code).

Affidavit

I hereby certify that I have the authority to submit the foregoing application, that all owners of the property have signed below, that I have read and understand all requirements and that I or an authorized representative will appear at the scheduled public hearing in this matter. I hereby authorize the Village Manager, or the Manager's designee, and/or the Board of Managers to enter onto the subject property for the purposes of assessing the site in relation to this variance request. I hereby declare and affirm, under penalty of perjury, that all matters and facts set forth in the foregoing application are true and correct to the best of my knowledge, information and belief.

Applicant's Signature:

Cherie M. Sprenger

Date:

10/22/12

Applicant's Signature:

Steve Sprenger

Date:

10/22/12

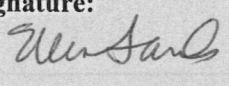
Describe the basis for the variance request (attach additional pages as needed).

Describe the special conditions of the property (e.g., odd shape, small size, sloping topography, abuts state highway, etc.) and how the property compares to other properties in the Village:

Describe how enforcement of the building regulations would result in an unwarranted hardship and injustice because of the special condition(s) described above (i.e., describe (i) the unwarranted hardship and injustice that you claim exists and (ii) how the special conditions cause that unwarranted hardship and injustice):

Describe how the proposed variance most nearly accomplishes the intent and purpose of the requirements of Chapter 8 of the Chevy Chase Village Code, entitled *Buildings and Building Regulations*:

In exercising its powers in connection with a variance request, the Chevy Chase Village Board of Managers may reverse or affirm, wholly or partly, or may modify the requirement, decision or determination as it deems appropriate.

| | |
|---|--|
| Variance Filing Fee | Checks Payable To: Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815 |
| <i>Per Village Code Sec. 6-2(a)(24):</i> <input checked="" type="checkbox"/> \$300.00 for new construction. <input type="checkbox"/> \$150.00 for replacing existing non-conformities. <input type="checkbox"/> \$300.00 for fences, walls, play equipment, trees, hedges, shrubbery in the public right-of-way. <input type="checkbox"/> Other: \$ _____ | Date Paid: 10/23/12 Staff Signature:  |
| Fee Paid: \$300.00 check # 3100 | Approved to Issue Building Permit per Board Decision Signed by the Board Secretary on: Date: _____ Signature: _____ Village Manager |

8 November 2012

Chevy Chase Village
5906 Connecticut Ave.
Chevy Chase, Maryland 20815

Re: Sprenger Residence
Cherie & Steve Sprenger
5501 Park Street
Chevy Chase, Maryland 20815

Regarding the proposed driveway expansion project, and the new front walk and stair project on the Sprenger's property at 5501 Park Street, we ask that the board allow the proposed works based on the following grounds.

Driveway Project:

The driveway project grew from safety concerns due to the existing slope of the front yard down and into the street, and the change in grade of the existing driveway. The driveway is currently too narrow to allow one car to pull out while the other is parked without slipping off the driveway or into the other car. The existing driveway includes an 18ft. x 24ft. parking pad beginning 1ft 7in. from the house, which connects to Park Street on the side of the lot facing Belmont Avenue. We intend to shift the parking pad 5in. to increase the permeable surface between the house and driveway. There would be an additional 2ft. added to the width of the parking pad on the Belmont Avenue side to more comfortably allow two cars. As there is no garage in the back yard, or the possibility thereof, this new 20ft x 24ft. area will serve the family's two vehicles and have a much smaller overall impervious area than a typical garage in the rear layout. The connecting driveway will then taper to 15ft in width over a 20ft. length, and then continue to taper into the existing apron, as outlined by the example in the Village building permit application for driveways at grade. This allows for a gradual narrowing of the driveway, and creates sufficient room to safely maneuver one of the vehicles past the other to the street.

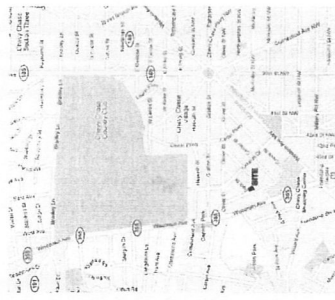
Front Yard Landscaping Project:

Front facing stairs are a traditional component of a front porch entry, and prevalent throughout the area; we feel that this feature is necessary to the design. With the recent small addition to the home, the foyer was extended 3ft to allow a total foyer depth of 7ft. This leaves a depth of 6ft. for the open front porch, which now sits at the edge of the building line. These are shallow dimensions for a foyer depth and front porch design. We believe it is reasonable to allow three stairs with a rise of 21in. total to extend over the building line. The new stairs and front walkway would connect the front porch toward the front of the house at the street, allowing for a recognizable walking entry to the house from the street, and have low-height garden walls. New planters would flank the front porch, and diminutive side stairs allow for balance and movement directly to the parking pad. A large planting between the driveway and entry will provide permeable surfaces edging the hardscapes, and lush landscaping to accentuate the formal entry. The large, existing trees will remain, to be enjoyed from the new front walk that will arch from the front porch area.

VARIANCE CASE A-6233

[illegible]

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PREPARED FOR:
Steven & Cherie Sprenger
5501 Park Street
Chavy Chase, MD 20815
(301) 956-8242

LEGEND
 ■ EXISTING DOWNSPOUTS
 □ NEW DOWNSPOUTS

NOTE: NEW DOWNSPOUTS TO BE TIED INTO EXISTING UNDER GROUND SICKWATER AND CATCHMENT SYSTEM



NOTE:
SOURCE OF TWO-FOOT CONTOUR INTERVAL TOPOGRAPHY:
THOMAS A. MADDOX
8933 SHADY GROVE COURT
GAITHERSBURG, MD 20877 (SEPTEMBER 2009)
301-984-5804

NOTES:

1. ZONING - R-40
2. FOOTPRINT AREA OF PROPOSED ADDITION = 44 S.F.
3. TOTAL FOOTPRINT OF FINAL CONSTRUCTION = 1864 S.F.
4. LOT COVERAGE = 19%
5. AVERAGE FRONT ELEVATION = 321.7
6. MAXIMUM ALLOWED ROOF ELEVATION = 385.7
7. TOTAL AREA OF PROPERTY = 11228 S.F.
8. LOT SLOSHING ON PLAT 348, RECORDED MARCH 1927.

Site Plan Approved for Permit #6161
(depicts steps to the side only)

improvements so insured at the cost of said mortgagors; and the exercise of option shall not be deemed a waiver of the breach of any covenant or agreement herein contained. and further that, should said mortgagors, their heirs or assigns, fail to pay any premiums on such insurance, taxes, public charges, or special assessments, when the same may be paid by the mortgagor, its successors or assigns, and the amount so paid, with interest thereon, shall be a lien on said mortgaged property as though included in this mortgage in the first instance.

Witness our hands and seals.

Witness

Joseph L. Tilson

Johnny W. Pennybacker

(Seal)

Juanita B. Pennybacker

State of Maryland, Montgomery County, to wit:

On this 14th day of August in the year nineteen hundred and forty-five, before me, Joseph L. Tilson the undersigned officer, personally appeared Johnny W. Pennybacker and Juanita B. Pennybacker known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

Joseph L. Tilson

Joseph L. Tilson

Notary Public

Notary Public

My commission expires May 9, 1947

Montgomery County

Maryland

State of Maryland, Montgomery County, to wit:

On this 14th day of August in the year nineteen hundred and forty-five, before me, Lee A. Thompson the undersigned officer, personally appeared Frank B. Covance the President of the The Citizens Building and Loan Association of Montgomery County, Inc., the mortgagor, and made oath in due form of law, that the consideration mentioned in the above mortgage is true and some five or therein set forth; and also that he is the agent of said mortgagor and is authorized to make this affidavit.

In witness whereof, I hereunto set my hand and official seal.

Lee A. Thompson

Lee A. Thompson

Notary Public

Notary Public

My commission expires May 9, 1947

Montgomery

County, Md.

For value received the Citizens Building and Loan Association of Montgomery County, Inc. hereby releases the within mortgage. Witness the signature of their duly authorized representative, its proper officer, hereunto attested, and the same attested by me.

Attest: Joseph L. Tilson

The Citizens Building and Loan Association of Montgomery County, Inc.

The Citizens Building and Loan Association of Montgomery County, Inc.

Rep: Frank B. Covance

President

Blm

at the request of Buford G. Eastham the following Deed was recorded

September 11th, A. D. 1945 at 12:21 o'clock P. M. to wit:

This Deed, Made this 14th day of August, in the year one thousand

nine hundred and forty-five by and between The Chevy Chase Land Company of Maryland

County, Maryland (a corporation duly organized under and by virtue of the laws of the State of Maryland,) party of the first part, and Buford G. Eastham of the State of Maryland party of the second part:

Witnesseth, that the said party of the first part, for and in consideration of the sum of Thirty-five Thousand (\$35,000.00) Dollars to it paid by the said party of the second part, and of the covenants and agreements of the said party of the second part as hereinafter set forth, does hereby grant and convey unto the said party of the second part, in fee simple, the following described land and premises, with the improvements easements, and appurtenances thereunto belonging, situate in the County of Montgomery, State of Maryland, namely:

Lots numbered Nine (9) Ten (10) Eleven (11) Twelve (12) Thirteen (13) Fourteen (14) and Fifteen (15) in Block numbered Twelve (12) and Lots numbered One (1) Two (2) Three (3) Four (4) Five (5) Six (6) Seven (7) Eight (8) Nine (9) Ten (10) Eleven (11) Twelve (12) Thirteen (13) and Fourteen (14) in Block numbered fifteen (15) in the subdivision known as "Section One A, Chevy Chase," as per plat of said subdivision recorded in Plat Book, No. 4, at Folio 349, one of the Land Records of Montgomery County, Maryland. Subject to a 25 foot building restriction line shown on said recorded plat.

It is hereby expressly understood and agreed by and between the parties hereto, their respective successors, heirs, personal representatives and assigns, that the general plan of subdivision of which the land and premises hereby conveyed in a part, more or less only and is limited to the area contained in and covered by the subdivision known as "Section One-A, Chevy Chase," Montgomery County, Maryland, and further that no covenant, restriction or condition whether or not herein contained shall apply to, charge or effect lots in Blocks 6 and 11 of the said subdivision, and that no objection will be raised to the rezoning of said Blocks 6 and 11, for commercial purposes.

It is hereby understood and agreed that no building shall be erected on the land hereby conveyed unless and until the plans of the elevations, the design and color scheme thereon, as well as the location of said building on said land shall be first approved in writing by The Chevy Chase Land Company of Montgomery County, Maryland, or its successors.

In evidence of his acceptance of the foregoing and following covenants and restrictions, for himself, his heirs and assigns, the said party hereto of the second part has hereunto set his hand and seal.

To have and to hold the said land and premises, with the improvements, easements and appurtenances, unto and to the use of the said party of the second part, in fee simple,

In consideration of the execution of this Deed, the said party of the second part, for himself, his heirs and assigns, hereby covenants and agrees with the party of the first part, its successors and assigns, (such covenants and agreements to run with the land), as follows, viz:

1. That all houses upon the premises hereby conveyed shall be built and used for residence purposes exclusively except stables, carriage-houses, sheds, or other out buildings, for use in connection with such residences, and that no trade, business, manufacture or sales, or business of any kind shall be carried on or permitted upon said premises.
2. That no structure of any description shall be erected within twenty five (25) feet of the front line of said premises; and that no stable, carriage house, shed, or outbuilding shall be erected except on the rear of said premises.

In case of corner lots any and all lines bordering upon a street, avenue, or parkway shall be considered a front line.

3. That no house shall be erected on said premises so as to

than Seventy-five Hundred (\$7,500.00) Dollars.

4. That any house erected on said premises shall be designed for the occupancy of a single family, and no part of any house or of any structure appurtenant thereto shall be erected or maintained within five (5) feet of the side lines of premises hereby conveyed, nor within (10) ten feet of the nearest adjacent house.

5. That a violation of any of the aforesaid covenants and agreements may be enjoined and the same enforced at the suit of The Chevy Chase Land Company, of Montgomery County, Maryland, its successors and assigns (assigns including any person deriving title mediately or immediately from said Company to any lot or square, or part of a lot or square in the Section of the Subdivision of which the land hereby conveyed forms a part.)

and the said party hereto of the first part hereby covenants to warrant specially the property hereby conveyed, and to execute such further assurances of said land as may be requisite.

In testimony whereof, on the day and year first hereinbefore written, the said The Chevy Chase Land Company, of Montgomery County, Maryland has caused these presents to be signed with its corporate name by Edward L. Hillyer, its President attested by Willard G. McGraw, its Secretary, and its corporate seal to be hereunto affixed, and does hereby constitute and appoint Willard G. McGraw its true and lawful Attorney-in-fact for it and in its name, place and stead to acknowledge these presents as its act and deed before any person or officer duly authorized to take such acknowledgment, and to deliver the same as such.

Attest:

Willard G. McGraw

Secretary

The Chevy Chase Land Co.
of Montgomery Co.
Maryland

The Chevy Chase Land Company of
Montgomery County, Maryland,

By: Edward L. Hillyer

President

Burford G. Eastman

(Internal Revenue \$38.50)

(State Tax \$35.00)

District of Columbia, to wit:

I, Frank I. Greenwalt a Notary Public in and for the said District of Columbia, do hereby certify that on this 14th day of August, 1945, William G. McGraw who is personally well-known to me to be the person named as Attorney-in-fact in the foregoing and annexed Deed, dated the 14th day of August, 1945, to acknowledge the same, personally appeared before me in the said District of Columbia, and as Attorney-in-fact as aforesaid, and by virtue of the power and authority in him vested by the aforesaid Deed, acknowledged the same to be the act and deed of the said The Chevy Chase Land Company, of Montgomery County, Maryland, and delivered the same as such.

Given under my hand and seal this 14th day of August, A. D. 1945.

Frank I. Greenwalt

Notary Public, D. C.

Frank I. Greenwalt

Notary Public

District of

Columbia